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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,894	01/08/2004	Laurence W. Bassett	CUNO-170.3	8174

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/753,894

Applicant(s)

BASSETT ET AL.

Examiner

Matthew O. Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43,45-54 and 56-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43, 45-52, 54, 56, 57, 59-60, and 62-64 is/are rejected.
- 7) ☒ Claim(s) 47,53,58 and 61 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 54, and 56-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 12 of claim 54, "the at least one tooth" lacks antecedent basis.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43, 45, 46, 48, 51-54, 56, 57, 59, and 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,806,240 to Giordano et al in view of U.S. Patent 3,746,171 to Thomsen.

With respect to claims 43 and 54, Giordano et al disclose a filter cartridge 100 (see FIG. 3) including a body portion 110 for enclosing filter media for filtering a fluid, and a neck portion 160 including an inlet port 204 for directing unfiltered fluid into the body portion and an outlet port 206 for directing filtered fluid out of the body portion, the neck portion having at least two lugs 172 depending radially outwardly therefrom, each lug having radial and axial engagement surfaces (e.g., at an upper surface and the

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radial end surface of the lugs 172) which face away from the body portion, wherein each lug has a cam surface axially spaced from the body portion and facing toward the body portion in a generally axial direction for cooperating with camming ramps 93, 95 on the compatible reception assembly 90, at least one of the engagement surfaces defining a keyed surface formation including at least one tooth or protrusion extending axially from remaining portions of the engagement surfaces relative to the neck (see the bosses at on the upper surface at the outer radially ends of the lugs 172 in FIGS. 3, 5, and 6), the teeth being capable of functioning as recited in the claims since they meet all of the structural limitations recited in the claims. Giordano et al fail to specify the cam surfaces of the lugs as being inclined. Thomsen, the specification of which is incorporated by reference by Giordano et al (see lines 62-65 of col. 3), discloses a pair of lugs 75 having rounded ends that inherently form inclined cam surfaces (see FIG. 5 of Thomsen. Thomsen suggests that the rounded ends/cam surfaces facilitate insertion of the lugs into the grooves of the associated reception assembly. It would have been obvious to have modified the apparatus of Giordano et al so as to have included lugs having inclined cam surfaces as suggested by Thomsen in order to facilitate insertion of the lugs into grooves of an associated reception assembly.

As to claims 45 and 56, Giordano et al disclose each lug 172 as having an engagement surface defining a keyed surface formation (see FIG. 3).

Regarding claims 46 and 57, Giordano et al disclose the keyed surface formation on each lug of the cartridge is substantially similar (see FIG. 3).

Concerning claims 48 and 59, Giordano et al disclose the neck portion as having a pair of diametrically opposed lugs 172 (see FIG. 3).

As to claims 51 and 62, Giordano et al include a keyed surface formation on an axially facing engagement surface of the lug (see FIG. 3).

Regarding claims 52 and 63, Giordano et al include a keyed surface formation on a radially facing engagement surface of the lug (e.g., the convex surface of the 172 lug).

Concerning claims 53 and 64, Giordano et al disclose a first portion of the keyed surface on an axially facing engagement surface of the lug (e.g., the entire upper axial surface) and a second portion of the keyed surface formation as being on a radially facing engagement surface of the lug (e.g., the entire curved radial end surface of the lug).

Claims 49 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giordano et al in view of Thomsen as applied to claims 43 or 54 above, and furtherin view of Groezinger et al.

With respect to claims 49 and 60, Giordano et al and Thomsen fail to specify the neck portion as having three circumferentially spaced apart lugs, however, Groezinger et al disclose just such an arrangement (see FIGS. 1 and 2 and the lugs 42). Groezinger et al suggest that such an arrangement increases the strength and stability of the connection between the filter and a reception assembly. It would have been obvious to have modified the combination suggested by Giordano et al and Thomsen so as to have included the three lug arrangement as suggested by Groezinger et al in

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order to increase the stability and strength of the connection between the filter and reception assembly.

Claims 47, 53, 58, and 61 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Applicant's arguments filed 1-20-06 have been fully considered but they are not persuasive.

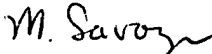
Applicant argues that the claims cannot be read upon the Giordano et al reference since Giordano et al discloses an adapter including the recited neck portion as opposed to a filter cartridge having the recited neck portion, however, it is held that the instant claims can be read upon Giordano et al since the reference discloses a filter cartridge having a neck portion that is partially defined by the adapter 150. Applicant should note that the instant claims are open in the use of the term "comprising" and fail to expressly exclude the adapter included by Giordano et al.

Applicant's argument that Giordano et al fail to teach using the teeth/protrusions of elements 172 to prevent mounting of the cartridge to an incompatible filter head is noted, however, such an argument relates to the intended use of the filter cartridge and carries no patentable weight in the instant case since Giordano et al disclose teeth/protrusions to the extent recited in the instant claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

  
Matthew O Savage  
Primary Examiner  
Art Unit 1724

mos  
March 28, 2005